

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN  
MILWAUKEE DIVISION

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REBECCA TERRY,

Plaintiff,

Case No.: 17-cv-1112-JPS

v.

COUNTY OF MILWAUKEE, DAVID A.  
CLARKE, JR., in his personal and official  
capacities, OFFICER BRIAN WENZEL, JANE  
AND JOHN DOE, UNKNOWN EMPLOYEES  
OF MILWAUKEE COUNTY JAIL, JANE AND  
JOHN DOE, UNKNOWN JAIL  
SUPERVISORS, ARMOR CORRECTIONAL  
HEALTH SERVICES, CAROLYN EXUM,  
MORGAN BEVENUE, MARGARET  
HOOVER, JANE AND JOHN DOE,  
UNKNOWN EMPLOYEES OF ARMOR  
CORRECTIONAL HEALTH SERVICES,  
JANE AND JOHN DOE, UNKNOWN ARMOR  
HEALTHCARE SUPERVISORS,

Defendants.

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**DECLARATION OF ATTORNEY MICHAEL P. RUSSART**

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MICHAEL P. RUSSART declares as follows under penalty of perjury, pursuant to 28  
U.S.C. § 1746:

1. I am an adult resident of the State of Wisconsin, an attorney licensed to practice in  
the State of Wisconsin, admitted to practice in the United States District Court – Eastern District  
of Wisconsin, and appearing as one of the attorneys of record for Armor Correctional Health  
Services ("Armor") in the above-captioned action. I make this declaration based upon personal  
knowledge of the facts and circumstances attested to herein in support of Armor's Civil L.R. 7(h)  
Expedited Non-Dispositive Motion For Protective Order to Stay All Discovery, Including a

March 13, 2018 Deposition Noticed for Brian Wenzel, Until the Court Rules on Armor's Motion for a Stay of Proceedings and Discovery (Dkt. 54).

2. Attached as **Exhibit A** is a true and correct copy of a March 1, 2018 Notices of Depositions served by Plaintiff's counsel by email.

3. Attached as **Exhibit B** is a true and correct copy of a series of emails exchanged with Plaintiff's counsel initiated on Monday, February 19, 2018 at 4:06 pm with an email transmitted by Attorney Theresa Kleinhaus to Milwaukee County Defendants' counsel, Douglas Knott, for depositions of his clients. The email string concludes with a March 7, 2018 1:15 pm confirmation from Attorney Kleinhaus that Plaintiff opposes a stay of discovery and intends to move forward with depositions. This confirmation was in response to emails from Armor's counsel asking that the depositions be stayed pending Armor's motion to stay.

4. On March 6, 2018, during a teleconference with Milwaukee County Defendants' counsel, I learned that Ms. Hoover's and Ms. Exum's depositions would not proceed on March 14, 2018 and March 15, 2018 as noticed, but that Mr. Wenzel's deposition was expected to go forward on March 13, 2018 at 10:00 am.

5. Attached as **Exhibit C** is a true and correct copy of Mr. Wenzel's supplemental discovery response indicating his relevant involvement with Ms. Terry.

6. Although discussions were had between counsel relative to a proposed compromise, no accord could be reached.

PURSUANT TO 28 USC § 1746, I VERIFY UNDER PENALTY OF PERJURY THAT THE STATEMENTS IN THIS DECLARATION ARE TRUE AND CORRECT AND BASED UPON MY PERSONAL KNOWLEDGE.

Dated this 8<sup>th</sup> day of March, 2018.

/s/Michael P. Russart

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Michael P. Russart

State Bar No. 1023128